

IFW

Attorney Docket # 84894-602

EXAMINER Gregory W. Mitchell

GROUP 1617

APPLICANT Gordon W. Glazner

SERIAL NO: 09/878,918

FILED June 13, 2001

FOR THERAPEUTIC USES FOR IP3 RECEPTOR-MEDIATED
CALCIUM CHANNEL MODULATORS

Commissioner of Patents
Washington, D.C., 20231
U.S.A.

Dear Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
BASED ON FAILURE TO RECEIVE NOTICE OF NON-COMPLIANT RESPONSE

In response to the Notice of Abandonment dated September 19, 2005 which refers to a Failure to Reply to a Notice of Non Compliant Response which was issued on November 19, 2004 and to which no response was received by the Patent Office.

It is hereby stated by the undersigned that, after searching the file jacket and docket records, it can be confirmed that the above Notice of Non Compliant Response dated November 19, 2004 was not received. We attach a photocopy of the docketing page from this file showing that the receipt of a Notice of Non Compliant Response having that date has not been docketed. It is the practice of this office to immediately docket on this record as well as in a separate date book any Official Action or Notice of Allowance received.

BEST AVAILABLE COPY

In this instance, had the notice of Non Compliant Response been received, the date book and the file docket would have had the date of December 12, 2004 rsp December 19, 2004 written on the docketing page of the file and entered into the task manager which is part of Microsoft Outlook. As you can see from the enclosed pages, this data was not entered on the docketing page of the file and makes no reference to 84894-602, which is the attorney docket number assigned internally to this application. As you will see, this is consistent with the attorney docket number printed on the Notice of Abandonment and on the docketing page.

It is further noted that when the previous office action was issued on June 25, 2004, the following dates were entered on the file jacket and in the date book, August 25, 2004 Rsp Sept 25, 2004.

In addition, when a restriction/election requirement was received with a due date of September 2, the following due dates were entered on the file jacket and in the date book: August 25, 2003 and September 2, 2003. This is consistent with the policy of a one week prior pull date for actions having a 1 month deadline

As discussed above, we attach copies of the docket record of Actions due from December 1, 2004 to December 20, 2004 inclusive. This docket record is defined by a calendar on which all Actions required are recorded so that the number of files on each date is relatively large. It will be noted that each date in the docket record identifies the file concerned by the file number and by the name of the client.

As discussed above, it is a practice of this Office that whenever an Official Action or Notice of Allowance is received in the mail, before any other step can be taken

with that file, the Official Action is entered in the file and the docket record is marked with the due date and other possible with a date one month prior to the due date.

It will be noted that file 84894-602 DOES NOT APPEAR on the docket record for any of the dates now attached thus evidencing that the Notice of Non Compliant Response was not received.

It is requested that the Notice of Abandonment be withdrawn and the Notice of Non Compliant response resubmitted with a new date.

The pull dates for February 25, 2005 and July 25, 2005 are internal reminders for checking status of the application. It was during the later of these status requests that the Notice of Non-Compliant Response was noted and the examiner was contacted by phone, which result in the Notice of Abandonment being issued.

It is further noted that a 1449-105 containing additional prior art cited by the EPO was submitted to the USPTO on March 23, 2005

If a fee is due for this Petition, it is requested that the fee be charged to our deposit account 01-0310.

Respectfully submitted

Gordon W. Glazner

PER: 

Michael R. Williams
Registration No: 45333

MRW/dj
October 13, 2005

Michael R. Williams Winnipeg, Manitoba, Canada
Telephone (204) 947-1429 - FAX (204) 942-5723

Lombard Life Sciences

Re: US - HIV Inhibition

Client Information

12-75 Scurfield Blvd.

Lombard Life
RE: US - HIV Int

300-140 Bannatyn

Winnipeg, MB R:
Contact:
Business Phone: 9:
Home Phone:
Cell No.
EMAIL:
Date File Opened:
Date File Closed:

Winnipeg, MB R3Y 1G4
Contact: Kevin McGarry
Business Phone: 943-0066
Home Phone:
Cell Phone
Facsimile: 943-7646
E-Mail:
Date File Opened: 26 MAR 01

Contact Information

Darren Fast

Business Phone:
Home Phone:
Cell Phone:
Facsimile:
E-Mail:

Bill to

Lombard Life Sciences
RE: Triage Therapeutics Inc.
12-75 Scurfield Blvd.

Winnipeg MB R3Y 1G4
Attention:
Business Phone:
Home Phone:
Cell Phone
Facsimile:
E-Mail:

84894 - 602 /MRW

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~~Aug 2/04 R Sept~~
~~18 Feb 2/05 S~~
~~July 25/05 S~~

Lombard Life Sciences
RE: US - HIV Inhibition

84894 - 602 /MRW

Re: US - HIV Inhibition

12-75 Scurfield Blvd.

200-140 Barnatyn

Winnipeg, MB R3C 1A6
 Contact: **Mr. J. J. Smith**
 Business Phone: 945-1234
 Home Phone: 945-5678
 Cell No. 945-9012
 EMAIL: **jsmith@winnipeg.ca**
 Date File Opened: 10/10/2001
 File Closed: 10/10/2001

Winnipeg, MB R3Y 1G4
Contact: Kevin McGarry
Business Phone: 943-0066
Home Phone:
Cell Phone
Facsimile: 943-7646
E-Mail:
Date File Opened: 26 MAR 01

Darren Fast

Business Phone:
Home Phone:
Cell Phone:
Facsimile:
E-Mail:

Lombard Life Sciences
RE: Triage Therapeutics Inc.
12-75 Scurfield Blvd.

Winnipeg MB R3Y 1G4
Attention:
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Cell Phone
Facsimile:
E-Mail:

84894 - 602 /MRW

~~✓ Aug 25/04 R Sept~~
~~✓ Feb 25/05 S~~
July 25/05 S

BEST AVAILABLE COPY

Lombard Life Sciences
RE: US - HIV Inhibition

84894 - 602 /MRW

DAY-BY-DAY
Journal

2004

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AUGUST						
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Friday 25 August

7:00		7:00
7:30	3856-101 Buddle	7:30
8:00		8:00
8:30	3963-2307 Science	8:30
9:00		9:00
9:30	4824-204 Cardio	9:30
10:00		10:00
10:30	5128-1272 Cangini	10:30
11:00		11:00
11:30	80033-41433 Andzinski	11:30
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12:30	4894-602 Lombard	12:30
13:00		1:00
13:30	2910-804 Pollard	1:30
14:00	704	2:00
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15:00		3:00
15:30	5384-113 KJL	3:30
16:00		4:00
16:30	143-207 Halford	4:30
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17:30	2910-913 Pollard	5:30
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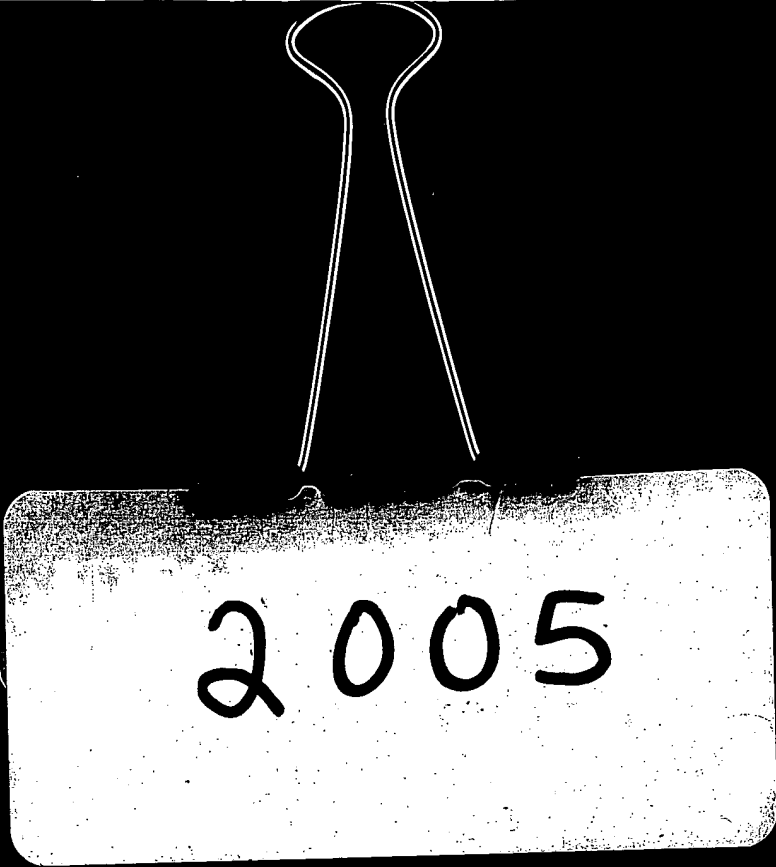
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Saturday 2

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Tuesday 25 July

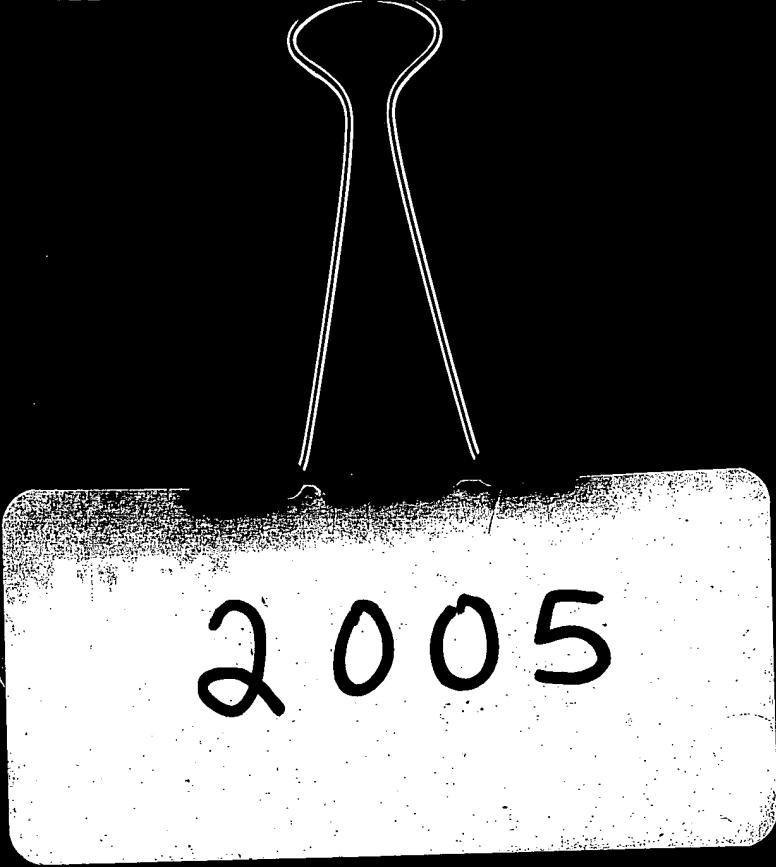
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3102-6885 Jackson
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Friday 25 February

7:00		7:00
7:30	3963-901 Science	7:30
8:00	3140-2001 Townsend	8:00
8:30	80004-1901 Bjorkens	8:30
9:00		9:00
9:30	4894-602 Lombard	9:30
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11:30	3144-1004 UofS	11:30
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Saturday 26 February

7:00		7:00
7:30	4781-301 DVC	7:30
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Friday 1 December

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1:30	5025-101	1:30
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2:30	5244-103 Encey	2:30
3:00		3:00
3:30	2040-1003 Polard	3:30
4:00		4:00
4:30	5443-102 Burt	4:30
5:00		5:00
5:30	5321-103 Stande	5:30
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Saturday 2 December

7:00		7:00
7:30	2565-201	7:30
8:00	3963-201 Incey	8:00
8:30	5427-101	8:30
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337-29

TRAC-87

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338-28

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339-27

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Tuesday 5 December

7:00	
7:30	4822-504 Paden
8:00	
8:30	4681-1601 Road
9:00	
9:30	5128-604 Cargine
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10:30	4156-326 Paden
11:00	
11:30	8536-501 Ching Li
12:00	
12:30	5378-601 Thompson
13:00	
13:30	80099-7001 Yee
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14:30	142-1601 (Jishua)
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15:30	215-1625 (Jishua)
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340-26

2000

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Wednesday 6 December

7:00	
7:30	
8:00	2402-1102 Paden
8:30	
9:00	3546-1201 Paden
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10:00	4822-104 Paden
10:30	482
11:00	4822-107 Paden
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341-25

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Thursday 7 December

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342-24

2000

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Friday 8 December

IMMACULATE CONCEPTION

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7:30	5:066-101 <i>Kulpa</i>
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343-23

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Saturday 9 December

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344-22

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Sunday 10 December

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7:30	199-4601 Vance
8:00	142-1601 W.R.
8:30	5408-172 Walmsley
9:00	800-99-2401 Fair E
9:30	800-99-3201 Fair E
10:00	800-99-6901 Fair E
10:30	5510-215 Sudduthack
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345-21

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Monday 11 December

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346-20

2000

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Tuesday 12 December

7:00	
7:30	4431-1101 ALCON
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8:30	3773-177 ACF
9:00	
9:30	5197-101 JERRY BEN
10:00	DAVID
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11:00	142-1601 WIDHUR
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12:00	4468-601 RICHARD
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347-19

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Wednesday 13 December

7:00	
7:30	3496-201 <i>Robert</i>
8:00	
8:30	3440-2001 <i>Robert</i>
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9:30	3815-902 <i>NR</i>
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10:30	4822-504 <i>Robert</i>
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348-18

2000

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22	23	24	25	26	27	28
29	30	31				

Thursday 14 December

7:00	
7:30	3815-204 <i>NR</i>
8:00	5055-501 <i>NR</i>
8:30	
9:00	5043-401 <i>NR</i>
9:30	5043-301 <i>NR</i>
10:00	5055-1101 <i>NR</i>
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349-17

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DECEMBER						
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31						

Friday 15 December

7:00		7:00
7:30	5128-301 Congene	7:30
8:00	5352-101 Grech	8:00
8:30	4782-399 J.H.	8:30
9:00	80694-823 Agriaphy	9:00
9:30	4487-202 Aerialist	9:30
10:00		10:00
10:30	4889-302 Walfrey	10:30
11:00		11:00
11:30	8042-2201 C. H. H.	11:30
12:00		12:00
12:30	5054-601 Quine	12:30
13:00		1:00
13:30	5480-179 Upper 49th	1:30
14:00		2:00
14:30	4889-501 Walf	2:30
15:00		3:00
15:30	5056-102 Agrice	3:30
16:00		4:00
16:30	215-1438 C. H. H.	4:30
17:00		5:00
17:30	4825-1455 Darty	5:30
18:00	5297-102 Singh	6:00
18:30		6:30
19:00	490-2972 St B	7:00
19:30		7:30
20:00	44-1626 Knudson	8:00
20:30		8:30
21:00		9:00

350-16

2000

Saturday 16 December

7:00		7:00
7:30	80099-4301	7:30
8:00		8:00
8:30	210-904 On	8:30
9:00		9:00
9:30	4825-14	9:30
10:00	5054-901	10:00
10:30		10:30
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Sunday 17 December

7:00		7:00
7:30	4825-1458 Dancy	7:30
8:00		8:00
8:30	4705-1301 Paterndruppen	8:30
9:00		9:00
9:30	4747-2220 Wangen	9:30
10:00		10:00
10:30	2223-204 Mignault	10:30
11:00		11:00
11:30	2142-201 Schumann	11:30
12:00		12:00
12:30	5002-106 Melblaine	12:30
13:00		1:00
13:30	85310-161 Peggay	1:30
14:00		2:00
14:30	5061-104 Thoma	2:30
15:00		3:00
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352-14

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Monday 18 December

7:00	5055-1761
7:30	
8:00	1190-113
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9:00	1490-113
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Tuesday 19 December

7:00	2230-501 Racheli	7:00
7:30		7:30
8:00	4361-1301 Narva	8:00
8:30		8:30
9:00	3720-1401 Chiron	9:00
9:30		9:30
10:00	2402-3802 U of M	10:00
10:30		10:30
11:00	80766-704 Dutch	11:00
11:30		11:30
12:00	80694-528 Agri	12:00
12:30		12:30
13:00		1:00
13:30		1:30
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354-12

2000

Wednesday 20 December

7:00		7:00
7:30	142-601 W	7:30
8:00	3963-2801	8:00
8:30	4554-202	8:30
9:00		9:00
9:30	2402-8972 U	9:30
10:00		10:00
10:30	80129-4301	10:30
11:00	5420-201 B	11:00
11:30		11:30
12:00	2402-8502	12:00
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